IN THE HIGH COURT OF JUDICATURE AT BOMBY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6168 OF 2006

Maharashtra Technical Education Society & Anr. .....Petitioners.

V/s

Maharashtra University of Health Sciences & Ors. ..... Respondents.

Mrs. Varsha L. Palav for Petitioners.

Mr. R.M. Govilkar for Respondent Nos. 1 and 3.

Mr. S.M. Dandekar for Respondent No.4.

CORAM: **H.S. BEDI, C.J.,** & **V.M.KANADE, J.**

DATE : **OCTOBER 19, 2006**

P.C.

1. The Petitioner Management is aggrieved by the impugned Order at Exhibit “I” whereby Respondent No.4 has been ordered to be reinstated in service. It is the case of the Petitioner that the aforesaid order does not take into account the facts of the case inasmuch as Respondent No.4 was a mere probationer and that her performance as a teacher was not up to the mark and her services had been terminated by

the Management on that account but, nevertheless, leading to reinstatement at the instance of the Grievance Committee of the University. The learned Counsel for the Petitioner accordingly brought to our notice several documents in support of the plea that the work of Respondent No.4 had been unsatisfactory and that the period of probation had also been extended once and her services were terminated within the extended period of probation.

2. We have heard the learned Counsel for the parties and gone through the record. We find some substance in the stand taken by the learned Counsel for the Petitioner that the Grievance Committee did not take into account the facts of the case and, by a cryptic order, a part of which has no bearing on the facts of the case, and is clearly irrelevant, has reinstated Respondent No.4. We accordingly quash the aforesaid order and remit the case to the Grievance Committee for a fresh decision after hearing all concerned. As Respondent No.4 has been out of job since 2004, we direct that the Petitioner will pay a sum of Rs 20,000/- to her

as an interim arrangement within one week from today and the matter will be heard by the Grievance Committee only on the Petitioner producing evidence of the payment of Rs 20,000/- . The Grievance Committee to take decision within three months from the date of receipt of a certified copy of this order.

3. The Petition is accordingly disposed of.

CHIEF JUSTICE

V.M. KANADE, J.